IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 676 of 2002

1. Sou.Thakubai Dattu Tupe
2. Prabhakar Dattu Tupe ... Appellants

V/s

1. Sultana Nazir Chowdhri
2. Nasir Nazir Chowdhri
3. Jainabi Gulam Hussain ..Respondents

Shri P.J.Pawar for Appellants

CORAM:S.R.SATHE,J.

DATED:20th June 2005

P.C. :-

1. Heard the learned Advocate for the Appellants.

2. The plaintiff had filed suit for possession on the ground that the defendant has made an encroachment to the extent of about 700 sq.ft. In order to prove the same he has also filed map drawn by Surveyor. From the judgment of the first appellate Court it does appear that the Courts below have considered the said map and while doing so also considered the other documentary evidence and on the basis of the same they have reached to the conclusion

that the plaintiff has failed to prove the alleged encroachment.

3. The learned Advocate for the appellant-plaintiff argued before me that the courts below have not properly appreciated the evidence with regard to the surveyor’s map. No other point is argued by the learned Advocate for the Appellant from which it can be said to be substantial question of law is involved in the matter.

4. There is no perversity in appreciating evidence of record. Hence the appeal is dismissed in limine.

(S.R.SATHE,J.)